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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

SHERRI L. CELIS and MARTIN AMADO,

Plaintiffs,

v.

SANDWOOD TOWNHOUSE LLC d.b.a.  
Sandwood Townhouse Apartments,

Defendant.

Civ. No.

CV '11-25

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COMPLAINT

(Fair Labor Standards Act)

JURY TRIAL DEMANDED

Ms. Celis and Mr. Amado allege as follows:

**NATURE OF THE ACTION**

1. This is an action under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, to correct unlawful employment practices based on the failure to pay minimum wage, to vindicate the rights of the plaintiffs to fair treatment and to make plaintiffs whole. Defendant failed to pay

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# 39006

plaintiffs minimum wages and failed to compensate plaintiffs at the applicable overtime rate for hours plaintiffs worked in excess of 40 hours per week.

### **JURISDICTION AND VENUE**

2. This court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 216. Venue is proper under 29 U.S.C. § 1391 because the claims arose in the District of Oregon and because plaintiffs and defendant, at all material times, were residents of the State of Oregon.

### **PARTIES**

3. Plaintiffs are residents of the State of Oregon.

4. Defendant is an Oregon Limited Liability Company conducting business in Oregon as Sandwood Townhouse Apartments. Defendant employed plaintiffs' at the Sandwood Townhouse Apartments in Oregon. Defendant, on information and belief, was at all material times an enterprise engaged in commerce or the production of goods for commerce within the meaning of Section 3(s)(1)(A) of the FLSA, with an annual dollar volume in excess of \$500,000.00, exclusive of excise taxes at the retail level.

### **CLAIM FOR RELIEF**

5. Defendant hired plaintiffs as employees on or about May 31, 2010. The employment relationship terminated on or about September 8, 2010.

6. Between May 31, 2010 and September 8, 2010, Ms. Celis worked approximately 50 hours per week for defendant. During the same time period, Mr Amado worked approximately 25 hours per week for defendant.

7. The only compensation plaintiffs received for the work they performed for defendant was apartment rent credit of \$625.00 per month.

8. Defendant wilfully failed to pay Ms. Celis approximately \$4060.00 in regular wages and approximately \$1522.50 in overtime wages during the time period she was employed with defendant. The unpaid wages alleged are based on federal minimum wage.

9. Defendant wilfully failed to pay Mr. Amado approximately \$2537.50 in regular wages during the time period he worked for defendant. The unpaid wages are based on federal minimum wage.

10. Both plaintiffs are entitled under the FLSA to recover an amount equal to the unpaid wages and overtime wages as liquidated damages.

11. Plaintiffs additionally are entitled to recover their attorneys' fees and litigation costs pursuant to 29 U.S.C. § 216.

#### **PRAYER FOR RELIEF**

WHEREFORE, plaintiffs pray for relief as follows:

1. That the court assume jurisdiction over the cause of action alleged in this Complaint.
2. Order defendant to make plaintiffs whole by compensating them for unpaid wages, unpaid overtime wages and liquidated damages, all in such amounts as are determined at trial.
3. Award plaintiffs their litigation costs and reasonable attorneys' fees, costs and expert witness fees pursuant to 29 U.S.C. §216.
4. Order defendant to pay prejudgment and postjudgment interest on all amounts due to plaintiffs as a result of this action.
5. Order such further or alternative relief in favor of plaintiffs as the court deems just, equitable and appropriate.

**JURY TRIAL DEMANDED**

Plaintiffs demand a jury trial on all questions of fact or combined questions of law and fact raised in this Complaint.

Dated: January 4, 2011.

SMITH & FJELSTAD

By: 

Kerry M. L. Smith

OSB NO. 88103

Of Attorneys for Plaintiff

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